

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 25, 26, and 31-33 are pending in the present application. Claims 5, 30, 34, and 35 have been canceled without prejudice or disclaimer. Claims 26 and 31-33 are amended to incorporate the allowable subject matter. No new matter was added.

By way of summary, the Official Action presents the following issues: Claims 32 and 35 stand rejected under 35 U.S.C. § 101 as allegedly reciting non-statutory subject matter; Claims 5 and 30 stand rejected under 35 U.S.C. § 112, second paragraph; Claim 30 is objected to as reciting an informality; and Claims 26, 30, and 32-35 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sezan et al. (U.S. Patent 5,956,458, hereinafter “Sezan” and in further view of Dimitrova et al. (U.S. Patent 5,870,754, hereinafter “Dimitrova”) in view of Paff (U.S. Patent 5,526,133); Claims 1 and 25 stand allowed.

Applicants appreciatively acknowledge the identification of allowable subject matter.

REJECTION UNDER 35 U.S.C. § 101

The Official Action has rejected Claims 32 and 35 under 35 U.S.C. § 101 as allegedly reciting non-statutory subject matter.

In response, Applicants have canceled Claim 35. Additionally, Claim 32 has been amended to recite a computer readable storage medium including functional descriptive material which causes a data processor to operate in accordance with the functional executable code.

Accordingly, Applicants respectfully request that the rejection of Claim 32 under 35 U.S.C. § 101 be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 112/CLAIM OBJECTIONS

As Applicants have canceled Claims 5 and 30, Applicants respectfully submit that the rejections/objections outlined at paragraphs 2-4 of the Official Action have been rendered moot.

REJECTION UNDER 35 U.S.C. § 103

With regard to the rejection of Claims 26, 30, and 32-35 under 35 U.S.C. § 103, Applicants note that Claims 30 and 34-35 are canceled. Likewise, Claims 26, 32, and 33 have been amended to incorporate allowable subject matter. Accordingly, Applicants respectfully submit that this rejection has been rendered moot.

CONCLUSION

If the Examiner believes any additional formal matters need to be addressed in order to place this application in condition for allowance, the Examiner is respectfully requested to contact the undersigned, by telephone, at the Examiner's convenience.

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present application, including Claims 1, 25, 26, and 31-33, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)



Bradley D. Lytle
Registration No. 40,073
Scott A. McKeown
Registration No. 42,866
Attorneys of Record